



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

UPS

Mr. Steven Dunsmore, Plant Manager
Ashland Performance Materials
100 Big Sandy River Road
Kenova, West Virginia 25530

Re: Notice of Violation
Docket Number: RIII-12-NOV-RCRA-23
Subtitle C Inspection, January 26, 2012
Facility ID: WVD080645831

Dear Mr. Dunsmore:

On January 26, 2012, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of Ashland Performance Materials in Kenova, West Virginia, under the West Virginia Hazardous Waste Management Act ("HWMA"), as amended, Chapter 22-18A, 1994, Series XV, and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on the inspection, EPA has determined that Ashland Performance Materials has violated regulations under HWMA and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violations are:

1. Satellite Accumulation Drum Not Under Control of Operator as required by HWMA Title 33 Series 20-5.1. The comparable federal regulation is 40CFR§262.34(c)(1).
2. Failure to train personnel as required by HWMA Title 33 Series 20-5.1. The comparable Federal regulation is 40CFR§262.34(a)(4).

Subsequent to the inspection EPA received documentation that all personnel have received their annual hazardous waste training. Within fifteen (15) calendar days of the receipt of this NOV, please submit documentation of any measures that the Ashland Performance Materials in Kenova, West Virginia has taken or is taking to achieve compliance with the satellite accumulation violation noted above or provide an explanation of facts and circumstances you believe that EPA's determination of the alleged violation is in error. A copy of the Inspection Report, documenting the findings of the inspector, is enclosed for your information.

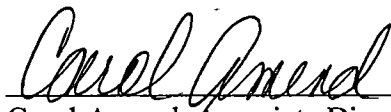
Section 3008a of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$32,500 per day of violation.

Customer Service Hotline: 1-800-438-2474

Additionally, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. The response to this NOV shall be addressed to:

Clark S. Conover
U.S. Environmental Protection Agency - Region III
1060 Chapline Street, 3rd Floor
Wheeling, West Virginia 26003



Carol Amend, Associate Director
Land & Chemicals Division
Office of Land Enforcement



Date

cc: J. Sizemore (WVDEP)
C. Conover (EPA-Wheeling)
T. DiFiore (3LC70)